

NMFS, 1335 East-West Highway, Silver Spring, MD 20910, 301-427-2300.

SUPPLEMENTARY INFORMATION: Section 311(b)(1) of the Magnuson Act provides authority to the Secretary to authorize officers to enforce the provisions of the Magnuson Act. An authorized officer may, with or without a warrant, arrest any person if he or she has reasonable cause to believe that such person has committed an act prohibited by section 307 of the Magnuson Act; board, search or inspect any fishing vessel that is subject to the provisions of the Magnuson Act; seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of the Magnuson Act; and seize any other evidence related to any violation or any provision of the Magnuson Act. Authorized officers may also execute any warrant or other process issued by any court of competent jurisdiction, and execute any other lawful authority.

The Magnuson Act also confers upon authorized officers with law enforcement responsibilities the authority to make an arrest, without a warrant, for an offense against the United States committed in his or her presence, or for a felony cognizable under the laws of the United States. Such authority can be exercised only if the authorized officer is performing a duty regarding fishery or other marine law enforcement, and he or she has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

FEOs will be uniformed officers whose primary function under the Magnuson Act will be to conduct dockside patrols to inspect fishing vessels, catches, gear, logbooks and other routine duties to ensure that fishermen are in compliance with the provision of applicable fishery management plans. FEOs may also inspect the facilities and records of fish dealers, fish processors, warehouse operators, and persons engaged in the transportation of fish. They may also conduct at-sea surface and aerial patrols and conduct at-sea boardings.

The intent of NMFS in employing FEOs is to increase the efficiency of the patrol effort by creating a unit that specializes in this task.

Classification

This final rule is issued under the Magnuson Act. Because this is a rule relating to agency management or personnel, section 553 of the

Administrative Procedures Act does not apply.

Because this rule is being issued without prior comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act and none has been prepared.

Executive Order 12291 does not apply because this is a rule relating to agency management or personnel. The rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612, and does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act. There is no change in the regulatory impacts previously reviewed and analyzed.

List of Subjects in 50 CFR Parts 611 and 620

Fish, Fisheries, Foreign fishing.

Dated: February 22, 1991.

Samuel W. McKeen,
Program Management Officer, National
Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR parts 611 and 620 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.2, under the definition for *Authorized officer*, paragraph (b) is revised to read as follows:

§ 611.2 Definitions.

* * * * *

Authorized officers means—

* * * * *

(b) Any special agent or fishery enforcement officer of the National Marine Fisheries Service;

* * * * *

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

3. The authority citation for part 620 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 620.2, under the definition for *Authorized officer*, paragraph (b) is revised to read as follows:

§ 620.2 Definitions.

* * * * *

Authorized officer means:

* * * * *

(b) Any special agent or fishery enforcement officer of NMFS;

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[FR Doc. 91-4879 Filed 2-28-91; 8:45 am]

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50 CFR Parts 611 and 672

[Docket No. 901184-1042]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of 1991 initial specifications of groundfish and Pacific halibut bycatch management measures; directed fishing allowances; prohibition of directed fishing; and request for comments.

SUMMARY: The Secretary of Commerce (Secretary) announces initial specifications of groundfish in the Gulf of Alaska for the 1991 fishing year and determinations pertaining to 1991 management of the Gulf of Alaska groundfish fisheries with the exception of pollock initial specifications. This action is necessary to inform the public of the determinations. The measures are intended to carry out management objectives contained in the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery (FMP).

DATES: Effective: 5:05 p.m., February 25, 1991. Comments are invited on the proposed apportionments of reserves on or before March 18, 1991.

ADDRESSES: Comments should be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

This notice announces for the 1991 fishing year (1) total allowable catches (TACs) for each category of groundfish in the Gulf of Alaska and apportionments thereof to domestic annual processing (DAP) except for pollock; (2) proposed apportionment of reserves to DAP; (3) assignments of the sablefish TAC to authorized fishing gear users; (4) prohibited species catch (PSC) limits relevant to fully utilized groundfish species; (5) halibut PSC mortality limits; (6) seasonal apportionments of the halibut PSC limits; and (7) prohibition of directed fishing for shorttraker/rougheye rockfish

cc: EVANS, BERG, SALVESEN, Ginter, Garrett, Bearden, Curmany, Snodgrass
1504-13-60A-020-d; 1504-15-030

in the Western Regulatory Area of the Gulf of Alaska. Each of these items is discussed as follows.

The process for determining TACs for groundfish species in the Gulf of Alaska is established by the FMP, which was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations appearing at 50 CFR 611.92 and part 672. The sum of the TACs for all species must fall within the combined optimum yield (OY) range established for these species of 116,000–800,000 metric tons (mt) (§ 672.20(a)(2)(ii)).

Under § 611.92(c)(1) and § 672.20(a)(2)(i), TACs are apportioned initially among DAP, joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves. The DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. Any JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. Any TALFF amounts are intended for harvest by foreign fishermen. The reserves for the Gulf of Alaska are 20 percent of the TAC for pollock, Pacific cod, flatfish species, and "other species." If necessary, these reserve amounts may be set aside for possible reapportionment to DAP and/or JVP if the initial apportionments prove inadequate. Reserves that are not reapportioned to DAP or JVP may be reapportioned to TALFF. Other groundfish target species, including sablefish and the rockfish species, are fully utilized by DAP, and no reserves are established.

Under § 672.20(c)(1), the preliminary specifications of DAP were published in the *Federal Register* (55 FR 47897, November 16, 1990). No JVP or TALFF amounts were specified. Under § 672.20(c)(1)(i), one-fourth of preliminary specifications and apportionments and one-fourth of halibut prohibited species catch limits are effective January 1 on an interim basis and are superseded by this *Federal Register* notice of final specifications.

The Council met December 3–7, 1990, to review the best available scientific information concerning groundfish stocks, intended harvest plans for 1991, and estimates made by NMFS concerning the extent to which U.S. fishermen would harvest amounts of groundfish. This information is contained in the Stock Assessment and Fishery Evaluation Report for the 1991 Gulf of Alaska Groundfish Fishery (SAFE report) dated November 1990,

which was prepared and presented by the Gulf of Alaska Groundfish Plan Team to the Council and to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). Information contained in the SAFE report was derived from:

1. The 1990 hydroacoustic survey in Shelikof Strait conducted by the NMFS Alaska Fisheries Science Center;
2. 1990 NMFS observer reports;
3. Results of the 1990 bottom-trawl survey in the Gulf of Alaska;
4. Results from the 1990 Domestic and U.S.-Japan Cooperative Longline Surveys; and
5. Groundfish catches obtained from the 1990 Weekly Production Reports.

New information and subsequent actions by the Council for each species and species complex are summarized as follows. Additional information can be found in the SAFE report.

1. Total Allowable Catches

The sum of the TACs approved by the Council for Gulf of Alaska groundfish is 331,089 mt, within the OY range specified by the FMP.

Pollock—The exploitable biomass of pollock for 1991 is estimated to be 1,303,000 mt based on a projection of 1990 biomass estimated from a stock synthesis (SS) model. The current assessment incorporates two major changes into the SS model. First, the 1990 Gulf-wide bottom-trawl survey estimated biomass at 1,004,377 mt. Second, because a significant component of older fish (age 10 and older) was discovered in offshore waters outside of Shelikof Strait in 1989 and 1990, the natural mortality rate was lowered from 0.4 to 0.3.

When the SS model incorporates survey selectivity, 1990 biomass is estimated at 1,372,000 mt for ages 3 years and older. Similarly, the current assessment estimates the 1989 biomass to be 1,564,000 mt for ages 3 years and older. According to the current assessment with a revised hindcast of historical biomasses, the population is at a medium level of abundance.

Although higher than previously believed, the abundance of pollock has been declining since 1988. Hydroacoustic survey estimates in 1990 failed to show an increase from the 1989 hydroacoustic survey estimates. The contribution of the older fish will be minimal in future years. The current decline in abundance is attributed to weak 1982, 1983, 1986, and 1987 year classes.

The SSC adopted the Plan Team's recommended allowable biological catch (ABC) for the combined Western/

Central Regulatory Area of 130,000 mt, which was derived by applying a 10-percent exploitation rate to the estimated 1991 exploitable biomass. The AP recommended that TAC be equal to the ABC. The SSC concurred with the Plan Team's recommendation that part of the TAC (6,250 mt) be allocated to the Shelikof Strait District to provide for a fishery for the collection of data. The SSC and AP also recommended that the ABC and TAC in the Eastern Regulatory Area be 3,400 mt, which is the same specification made in 1990.

The Council adopted the AP's recommendations for pollock TACs and the SSC's recommendations for ABCs of 130,000 mt in the combined Western/Central Regulatory Area and 3,400 mt in the Eastern Regulatory Area.

Pacific cod—The 1990 bottom-trawl survey of the Gulf of Alaska provided data for estimating biomass of Pacific cod by management area. Incorporating the bottom-trawl results in the Stock Reduction Analysis model resulted in an estimated exploitable biomass for 1991 of 424,100 mt, a decline in biomass from previous years. The projection model estimates that this decline may continue.

The SSC recommended that the ABC be 77,900 mt. The AP recommended that the TAC be equal to the ABC. The Council adopted the SSC recommendations for ABC and the AP recommendations for TAC, including apportionments among the Regulatory Areas as follows: Western—30,000 mt; Central—45,000 mt; and Eastern—2,900 mt.

Flatfish—In 1990, three categories of flatfish were established: Deep-water, shallow-water, and arrowtooth flounder. In 1991, flathead sole is in a category by itself, and the 1991 categories are as follows: Deep-water flatfish, shallow-water flatfish, arrowtooth flounder, and flathead sole.

In 1990, flathead sole was in the deep-water flatfish category; however, results of the 1990 trawl survey and fishery information show that most of the flathead sole biomass is in shallow water. A separate TAC for flathead sole was established because the TAC for that category would be inflated and could result in too high an exploitation rate for rock sole if flathead sole were included in the shallow-water flatfish category. Deep-water flatfish includes rex sole, dover sole, and Greenland turbot. Although an ABC for Greenland turbot is not included in the calculation of ABC for deep-water flatfish, small catches of Greenland turbot are reported and will be accounted for in the deep-water flatfish component.

Shallow-water flatfish includes all flatfish not including deep-water flatfish, flathead sole, or arrowtooth flounder.

The Council adopted the SSC's recommendations for the flatfish ABC's,

which were apportioned among the regulatory areas (see table 1), and the AP's recommendations for flatfish TACs, which are less than the ABCs (see table 2 for TACs). Reductions in

flatfish TACs reflect the concern that halibut PSC limits would not support harvest amounts equal to the sum of the ABCs.

TABLE 1.—ABCs FOR FLATFISH CATEGORIES IN 1991

(All values are in metric tons)

	Regulatory area			
	Western	Central	Eastern	Total
Deep-water.....	2,000	38,900	9,600	50,500
Shallow-water.....	48,800	22,200	3,000	74,000
Arrowtooth flounder.....	40,800	272,100	27,200	340,100
Flathead sole.....	12,600	32,700	5,000	50,300

TABLE 2.—ABCs, INITIAL GROUNDFISH TACS AND DAPS (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE/EAST YAKUTAT (SEO/EYK), GULF-WIDE (GW), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA. AMOUNTS SPECIFIED AS JOINT VENTURE PROCESSING (JVP) AND TOTAL ALLOW LEVEL OF FOREIGN FISHING (TALFF) INITIALLY ARE SET AT ZERO AND ARE NOT SHOWN IN THIS TABLE. RESERVES ARE APPORTIONED TO DAP, EFFECTIVE JANUARY 1, 1991.

Species and area ¹	ABC	TAC=DAP
Pacific cod:		
W.....	30,000	30,000
C.....	45,000	45,000
E.....	2,900	2,900
Total.....	77,900	77,900
Flatfish ² (deep water):		
W.....	2,000	2,000
C.....	38,900	10,000
E.....	9,600	3,000
Total.....	50,500	15,000
Flatfish ³ (shallow water):		
W.....	48,800	3,000
C.....	22,200	7,000
E.....	3,000	2,000
Total.....	74,000	12,000
Flathead sole:		
W.....	12,600	2,000
C.....	32,700	5,000
E.....	5,000	3,000
Total.....	50,300	10,000
Arrowtooth flounder:		
W.....	40,800	5,000
C.....	272,100	10,000
E.....	27,200	5,000
Total.....	340,100	20,000
Sablefish:		
W.....	2,925	2,925
C.....	10,575	10,575

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Species and area ¹	ABC	TAC=DAP
YK.....	4,050	4,050
EO/EYK.....	4,950	4,950
Total.....	22,500	22,500
Pelagic ⁴ shelf rockfish:		
W.....		800
C.....		3,100
E.....		900
Total.....	4,800	4,800
Pacific ocean perch ⁵ :		
W.....		1,624
C.....		1,798
E.....		2,378
Total.....	5,800	5,800
Shortraker/rougheye rockfish ⁶ :		
W.....		100
C.....		1,320
E.....		580
Total.....	2,000	2,000
Demersal shelf rockfish ⁷ :		
SEO.....	445	425
"Other rockfish" ⁸ *:		
W.....		1,212
C.....		5,454
E.....		3,434
Total.....	10,100	10,100

TABLE 2.—ABCs, INITIAL GROUNDFISH TACS AND DAPS (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE/EAST YAKUTAT (SEO/EYK), GULF-WIDE (GW), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA. AMOUNTS SPECIFIED AS JOINT VENTURE PROCESSING (JVP) AND TOTAL ALLOW LEVEL OF FOREIGN FISHING (TALFF) INITIALLY ARE SET AT ZERO AND ARE NOT SHOWN IN THIS TABLE. RESERVES ARE APPORTIONED TO DAP, EFFECTIVE JANUARY 1, 1991.—Continued

Species and area ¹	ABC	TAC=DAP
Thornyhead rockfish:		
GW.....	1,798	1,398
"Other species" ¹⁰ :		
GW.....	N/A	15,766
Total.....	640,243	197,689

¹ See figure 1 of § 672.20 for description of regulatory areas/districts.

² The category "deep-water flatfish" means rex sole, Dover sole, and Greenland turbot.

³ The category "shallow-water flatfish" means flatfish not including deep-water flatfish, arrowtooth flounder, or flathead sole.

⁴ The category "pelagic shelf rockfish" includes five species: *Sebastes melanops* (black rockfish), *S. mystinus* (blue rockfish), *S. ciliatus* (dusky rockfish), *S. entomelas* (widow rockfish), and *S. flavidus* (yellowtail rockfish).

⁵ Pacific ocean perch means *S. alutus*.

⁶ The category shortraker/rougheye rockfish includes two species *Sebastes borealis* and *S. aleuticus*, respectively.

⁷ The category demersal shelf rockfish includes eight species: *Sebastes nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. maliger* (quillback rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. nigrocinctus* (tiger rockfish), *S. crameri* (darkblotched rockfish), *S. pinniger* (canary rockfish), and *S. babcockii* (redbanded rockfish).

⁸ The category slope rockfish includes 17 species: *Sebastes polyspinis* (northern rockfish), *S. zacentrus* (sharpchin rockfish), *S. aurora* (aurora rockfish), *S. melanostomus* (blackgill rockfish), *S. goodei* (chill-pepper rockfish), *S. crameri* (darkblotched rockfish), *S. elongatus* (greenstriped rockfish), *S. variegatus* (harlequin rockfish), *S. wilsoni* (pygmy rockfish), *S. jordani* (shortbelly rockfish), *S. diploproa* (splitnose

rockfish), *S. saxicola* (striptail rockfish), *S. miniatus* (vermillion rockfish), and *S. reedi* (yellowmouth rockfish), *S. paucispinis* (bocaccio), *S. brevispinis* (silvergray rockfish), and *S. proriger* (redstripe rockfish).

⁹ The "other rockfish" category in the Western and Central Regulatory Areas and in the West Yakutat and East Yakutat Districts includes slope rockfish and demersal shelf rockfish. The "other rockfish" category in the Southeast Outside District includes slope rockfish.

¹⁰ The "other species" category includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC is equal to 5 percent of the TACs of the target species.

Sablefish—The abundance of sablefish has decreased from 1990 and other recent years. An ABC was computed for 1991 for the combined Gulf of Alaska, Bering Sea, and Aleutian Islands management areas. The proportion of the Alaska-wide ABC attributed to the Gulf of Alaska is 22,500 mt, based on the distribution of biomass as determined by the 1990 longline survey.

The SSC recommended that the ABC be 22,500 mt. The AP recommended that the Gulf-wide TAC be set equal to the ABC and be apportioned among the regulatory areas and districts in the same proportions as the biomass distribution shown from the 1990 longline survey. The Council adopted the SSC recommendations for ABC and the AP recommendations for TAC, including apportionments among the regulatory areas and districts, as follows: Western—2,925 mt; Central—10,575 mt; West Yakutat—4,050 mt; and Southeast Outside/East Yakutat—4,950 mt.

Rockfish Assemblages—In 1990, three categories of rockfish in the genus *Sebastes* were managed: "Other rockfish," pelagic shelf rockfish, and demersal shelf rockfish. Starting in 1991, two additional rockfish categories—shortraker/rougheye rockfish and Pacific ocean perch—will be managed. Shortraker/rougheye rockfish includes shortraker rockfish (*S. borealis*) and rougheye (*S. aleutianus*) rockfish. Pacific ocean perch includes only *S. alutus*. All three species were part of the "other rockfish" category in 1990.

Shortraker and rougheye rockfish are being managed separately because the abundance of these deep-water rockfishes is low. Rather than reduce the ABC for the "other rockfish" category to avoid overharvesting these species, a separate category is established.

Pacific ocean perch are the most abundant species in the rockfish assemblage and make up 40.1 percent of the Gulf of Alaska rockfish biomass. Exploitation rates for the "other rockfish" category based primarily upon Pacific ocean perch exploitation rates could lead to overfishing of some species; therefore, Pacific ocean perch is made a separate category.

The condition of, and Council action for, each of the five rockfish categories is as follows:

Shortraker/Rougheye Rockfish

Shortraker and rougheye rockfish are managed as a single category in the Western, Central, and Eastern Regulatory Areas. The proportion of shortraker and rougheye rockfish in trawl surveys at depths greater than 200 meters (23.8 percent) was 62 percent higher than the total 1990 estimate of exploitable biomass for the "other rockfish" category as specified in 1990 (14.7 percent). The effective exploitation rate for shortraker and rougheye rockfish would be much higher than intended if the exploitation rate for the "other rockfish" category were used. To avoid overharvesting shortraker and rougheye rockfish, the SSC recommended that the ABC be 2,000 mt. The AP recommended that the TAC equal the ABC for shortraker/rougheye rockfish and be apportioned among the areas as follows: Western—100 mt, Central—1,320 mt, and Eastern—580 mt. The Council adopted the SSC and AP recommendations.

Pacific Ocean Perch

Pacific ocean perch, formerly part of the "other rockfish" category, are now a single species for management purposes in the Western, Central, and Eastern Regulatory Areas. The SSC recommended an ABC for Pacific ocean perch of 5,800 mt, and the AP recommended that the TAC be equal to the ABC and apportioned among the management areas as follows: Western—1,624 mt, Central—1,798 mt, and Eastern—2,378 mt. The Council adopted the SSC and AP recommendations.

Pelagic Shelf Rockfish

In the Western, Central, and Eastern Regulatory Areas, pelagic shelf rockfish includes the five rockfish species listed in footnote 4 of table 2 of this notice.

The SSC recommended that the ABC for pelagic shelf rockfish be 4,800 mt. This amount is based on an exploitation rate equal to the natural mortality rate of 0.05. The AP recommended that the TAC equal the ABC and be apportioned among the regulatory areas according to the average of the 1987 and 1990 biomass estimates as follows: Western—800 mt, Central—3,100 mt, and Eastern—900 mt. The Council adopted the SSC and AP recommendations.

Demersal Shelf Rockfish

In the Southeast Outside District, demersal shelf rockfish means the eight

rockfish species listed in footnote 7 to table 2 of this notice. A TAC is established only in the Southeast Outside District. After a review of commercial fisheries and survey data, the Alaska Department of Fish and Game (ADF&G) recommended that the demersal shelf rockfish category be modified by (1) removing bocaccio (*S. paucispinis*), silvergray (*S. brevispinis*), and redstripe (*S. proriger*) rockfishes and placing them in the slope rockfish category and by (2) adding redbanded rockfish (*S. babcocki*). In 1990, redbanded rockfish were in the slope rockfish category. The Council adopted the ADF&G's recommendations.

The SSC recommended that the ABC for demersal shelf rockfish be 445 mt. The AP recommended that the TAC be equal to the ABC. The Council adopted the SSC recommendation for the ABC, but recommended that the TAC be set conservatively at 425 mt because the condition of demersal shelf rockfish is not well known.

"Other Rockfish"

In the Western and Central Regulatory Areas and the Eastern Regulatory Area west of 137° W. longitude, "other rockfish" includes the 17 species of slope rockfish and the eight species of demersal shelf rockfish listed in footnotes 8 and 9 to table 2 of this notice. TACs are established for these combined assemblages in the Western and Central Regulatory Areas.

In the Southeast Outside District, "other rockfish" means species of slope rockfish in the footnote 8 of table 2 of this notice.

The SSC recommended that the ABC for "other rockfish" be 10,100 mt. The AP recommended that the TAC equal the ABC and be apportioned among the regulatory areas as follows: Western—2,925 mt, Central—5,454 mt, and Eastern—3,434 mt. The Council adopted the SSC's recommendation for ABC and the AP's recommendation for TAC.

Thornyhead Rockfish

The SSC recommended that the ABC should be 1,798 mt. This amount is calculated by multiplying a fishing mortality rate of 0.07 times the adjusted trawl biomass obtained from the 1990 trawl survey. The AP recommended that the TAC be 1,398 mt to protect this category from being overfished. The Council adopted the SSC's recommendation for ABC and the AP's recommendation for TAC.

"Other Species" Category

Under the FMP, the TAC for this species category is 5 percent of the sum

of the TACs established for the other groundfish categories. Thus, TAC is 15,766 mt.

Apportionment of TACs

The Council, after adopting the TACs in table 2, deliberated on the apportionment of the TACs for each category between DAP, JVP, TALFF, and reserve. The Council reviewed the results of the NMFS U.S. processor survey that was conducted before the Council's meeting. (The U.S. processing industry is queried about its processing capacity and the amounts of each groundfish species needed during 1991.)

The Regional Director presented the results of the survey to the Council and made recommendations for initial DAP specifications. As a result of this process, the Council recommended that TALFF and JVP be set at zero because all species are expected to be fully utilized by U.S. fishermen in DAP fisheries. DAP is set to equal the TAC for each category.

Secretarial Approval of TACs

The Secretary has reviewed the Council's recommendations for TAC specifications and apportionments and hereby approves and implements these specifications under § 672.20(c)(1), with the exception of the pollock TAC. The Secretary defers approval of the pollock TAC. The interim preliminary initial specification for pollock TAC will remain in effect until superseded by the final 1991 initial TAC specification, which will be published in the *Federal Register* at a later date.

In reviewing the recommended ABCs for the rockfish categories, the Secretary notes that the Council adopted Gulf of Alaska-wide ABCs for each of the rockfish categories and apportioned the ABCs among the management areas in proportion to the biomass distribution determined from the trawl surveys. Information on the life history of Pacific ocean perch shows that stock mixing occurs during early life stages. NMFS scientists believe that this stock mixing during early life stages is typical for each of the rockfish categories, and that further apportioning of Gulf of Alaska-wide ABCs is not appropriate for rockfish. The secretary concurs with the Council's TAC distributions among the regulatory areas for each of the rockfish categories but has adjusted table 2 of this notice to show Gulf of Alaska-Wide ABCs without further apportionments among the regulatory areas.

2. Prohibition of Directed Fishing for Shortraker/Rougheye Rockfish in the Western Regulatory Area

The Regional Director has determined that the TAC for shortraker/rougheye rockfish will be taken as incidental catch to support other directed fisheries for other groundfish species in the Western Regulatory Area.

The Regional Director, under § 672.20(c)(2), establishes a directed fishing allowance in the Western Regulatory Area of 0 mt for shortraker/rougheye rockfish effective February 25, 1991, and prohibits for the remainder of the fishing year directed fishing for shortraker/rougheye rockfish in the Western Regulatory Area. Under § 672.20(g)(3), the operator of a vessel is engaged in directed fishing for shortraker/rougheye rockfish if he retains at any particular time during a trip an amount of this species group in an amount equal to or greater than 20 percent of all other fish species retained at the same time on the vessel during the same trip.

3. Proposed Apportionment of Reserves to DAP

The FMP stipulates that 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in a reserve for possible reapportionment at a later date (§ 672.20(a)(2)(i)). Because DAP is projected to need all reserve amounts, the Secretary, at this time, is proposing to reapportion reserves for each species category, except pollock, to DAP. By doing so, the Secretary is anticipating that the domestic industry will need all of the DAP amounts so specified. The specifications of DAP shown in table 2 of this notice reflect proposed DAP totals if the reserves are apportioned after a 15-day comment period.

The Secretary is deferring approval of the pollock TAC. The reserve attributed to pollock under § 672.20(a)(2)(i) will be apportioned when a TAC for pollock is approved and implemented.

Under § 672.20(d)(5)(iv), comments should focus on whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the year and whether, and the extent to which, U.S. harvested groundfish can or will be processed by U.S. fish processors or received at sea by foreign fishing vessels.

4. Assignments of the Sablefish TAC to Authorized Fishing Gear Users

Sablefish TACs for each of the regulatory areas and districts are further assigned to hook-and-line and trawl

gear (Table 4) according to the percentages required by § 672.24(c).

TABLE 4.—SABLEFISH TOTAL ALLOWABLE CATCHES (TACS) IN METRIC TONS, ALLOCATED TO AUTHORIZED GEAR IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA.

Area/District	TAC	Hook-and-line share	Trawl share
Western.....	2,925	2,340	585
Central.....	10,575	8,460	2,115
West Yakutat.....	4,050	3,850	200
Southeast Outside/ East Yakutat.....	4,950	4,700	250
Total.....	22,500	19,350	3,150

5. PSC Limits Relevant to Fully Utilized Groundfish Species

Under § 672.20(b)(1), if the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully utilized in the DAP fishery, he may specify a groundfish PSC limit applicable to the JVP fisheries for that species or species group.

The Council recommended that DAP equal TAC for each species category. Zero amounts of JVP are available. The Secretary concurs with the Council's recommendation, and has not established any JVP amounts. Therefore, no PSC limits under § 672.20(b)(1) are necessary. If future apportionments from DAP to JVP occur, the Secretary will also make the necessary determinations under § 672.20(c)(4) for PSC limits at that time.

6. Halibut Prohibited Species Catch (PSC) Mortality Limits

Under § 672.20(f)(2)(ii), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be apportioned to pot gear. For 1991, the Council recommended that 2,000 mt and 750 mt of halibut mortality be apportioned to trawl and hook-and-line gear, respectively. For purposes of accounting for halibut bycatch mortality, hook-and-line gear includes jigs.

The Regional Director will use observed halibut bycatch rates and reported groundfish catch to project when the 1991 halibut PSC limits will be reached during the fishing year. Mortality rates vary, depending on the gear being used. Based on information contained in the SAFE report, assumed rates of halibut mortality are the following: non-pelagic trawl, 50 percent

those caught and released; hook-and-line, 16 percent; and pot, 12 percent.

The Council recommended that pot gear be exempt from accountability for halibut bycatch mortality for the 1991 fishing year. Groundfish catches by pot gear have been small to date. Observer information, although not substantial, suggests that bycatch mortality is low, about 12 percent of the halibut caught in pots. No new information is available to warrant changing the 12-percent assumption. The Council decided to exempt pot gear for one more year, during which time additional information will be forthcoming to make recommendations about apportioning a PSC allowance to pot gear in future years.

The Secretary concurs with the Council's recommendations listed above. In doing so, the Secretary has considered the following types of information as presented in and summarized from the 1991 SAFE report, or as otherwise available from NMFS, ADF&G, the International Pacific Halibut Commission (IPHC), or public testimony.

(A) Estimated Halibut Bycatch in Prior Years

The best available information on estimated halibut bycatch is 1990 data on the groundfish fishery collected by NMFS Observers. The total calculated halibut bycatch mortality by all gear types through November 7, 1990, was 2,758 mt. Resulting mortality by gear type was trawl gear—1,760 mt (64 percent of all mortality), hook-and-line gear—967 mt (35 percent), and pot gear—31 mt (1 percent). In 1990, these amounts constrained groundfish catches in fisheries using hook-and-line gear and trawl gear: hook-and-line fisheries were closed on May 29, and trawl fisheries were closed on November 21. Pot gear was exempt from halibut PSC accountability during 1990.

Sablefish is the only Gulf of Alaska groundfish species that is allocated by gear type. When the hook-and-line fishery was closed on May 29, 1990, all the TAC for sablefish assigned to hook-and-line in the Eastern and Central Regulatory Areas had been caught. In the Western Regulatory Area, 1,497 mt of sablefish TAC remained unharvested because the halibut PSC assigned to hook-and-line gear had been reached.

(B) Expected Changes in Groundfish Catch

The sum of the 1991 groundfish TACs excluding the pollock TAC is 197,079 mt. The 1991 TAC for Pacific cod is 77,900 mt, which is a 16,600 mt decrease from the 1990 TAC. The 1991 TAC for

sablefish is 22,500 mt, a 3,500 mt decrease from 1990. The sum of the 1991 TACs for the flatfish species is 57,000 mt, which is a 7,000 mt decrease from the summed 1990 TACs of 64,000 mt. The 1991 sum of TACs for rockfish is 24,523 mt, which is a 5,647 mt decrease from the sum of the 1990 TACs of 30,170 mt.

Actual catches in 1991 are expected to reach 1991 TACs for sablefish, rockfish, Pacific cod, and pollock. The TACs for sablefish, rockfish, flatfish, and Pacific cod are reduced from 1990. If the pollock TAC is increased, most of the pollock catch will be with pelagic trawls.

Halibut bycatch is important in all bottom-trawl fisheries. Halibut bycatch could still be constraining in bottom-trawl fisheries for rockfish, Pacific cod, and sablefish. The sablefish hook-and-line fishery is expected to be delayed until May 15, 1991, so that halibut can escape into water depths shallower than those where the sablefish fishery is conducted.

(C) Expected Changes in Groundfish Stocks

Reductions in the groundfish TACs listed above have resulted from new stock assessments based on decreased biomass estimates for rockfish, Pacific cod, and sablefish as shown by the 1990 bottom-trawl survey. Conversely, the increased pollock TAC, if approved and implemented, results from an increased biomass estimate. Except for reduced abundance of rock sole, which is a component of shallow-water flatfish, all flatfish species are at high levels of abundance. A full discussion of these changes is contained in the final SAFE report.

(D) Current Estimates of Halibut Biomass and Stock Condition

The most current stock assessment of halibut biomass from the IPHC indicates that the total exploitable biomass of Pacific halibut available in 1990 was 232.9 million pounds (105,624 mt). This amount represents a decline of 6 percent from 1989, which is consistent with the 5-6 percent annual decline observed in recent years. A substantial decline in recruitment (abundance of 8-year-old fish) was also noted for 1990, an observation that is consistent with cyclical patterns of recruitment that have occurred over the last 50 years. This year's 12-year-old age class continues to make up a large part of the catch and should continue to influence the catch for several more years. The low recruitment exhibited in recent years in conjunction with an exploitation rate greater than the recommended 0.35 can be expected to contribute to a continued decline in the

overall stock at a rate of 5-15 percent over the next several years.

(E) Potential Impacts of Expected Fishing for Groundfish on Halibut Stocks and U.S. Halibut Fisheries

Impacts of the groundfish fishery on halibut stocks and the halibut fisheries will be constrained by the overall PSC mortality limit. The 1991 groundfish fisheries are expected to use the entire halibut PSC limit of 2,750 mt. According to the IPHC, the PSC limit will result in an equal amount of 2,750 mt being deducted from the directed halibut fishery quota. The effect of this deduction depends on the constant exploitable yield (CEY) as determined by the IPHC. The CEY represents about one-third of the exploitable biomass, based on an exploitation rate of 0.35. The allowable directed commercial catch is determined by subtracting recreational catch and waste and bycatch amounts from the CEY, and then providing the remainder to the directed fishery.

(F) Methods Available for, and Costs of, Reducing Halibut Bycatches in Groundfish Fisheries

Methods available for reducing halibut bycatch include (1) reducing amounts of groundfish TACs, (2) reducing the halibut bycatch rate through vessel incentive programs, (3) gear modifications, and (4) changes in groundfish fishing seasons. Reductions in groundfish TACs provide no incentives for fishermen to reduce bycatch rates. Costs that would be imposed on fishermen as a result of reducing TACs depends on species and amounts of groundfish foregone. For example, if the sablefish TAC were reduced by 1,497 mt, which is the amount foregone in the 1990 hook-and-line fishery when it was closed upon reaching the halibut PSC gear assignment, fishermen would forego \$2.3 million in gross revenue.

The Secretary has implemented regulations that require groundfish pots to have halibut exclusion devices to reduce halibut bycatches by that gear type. Amounts of halibut PSC that otherwise might have been caught by pots were then made available to trawl and hook-and-line gear, promoting the potential for increased groundfish catches.

The Council has also recommended that the Secretary delay the start of the sablefish hook-and-line fishery from April 1 to May 15. A proposed rule delaying the fishery is being published in the Federal Register. The purpose of the delay is to allow sufficient time for

most halibut to migrate into shallower water and thereby escape the sablefish fishery, which is primarily conducted in deep water.

Methods listed under (F) will be reviewed by NMFS and the Council to determine their effectiveness. Changes will be implemented, as necessary, in response to this review, either through regulatory or FMP amendments.

In keeping with the goals and objectives of the FMP to reduce halibut bycatches while providing opportunity to harvest the groundfish OY, the

Secretary has approved the assignments of 2,000 mt and 750 mt of halibut PSC mortality limits to trawl and hook-and-line gear, respectively. Although these limits will reduce the harvest quota for commercial halibut fishermen, the Secretary has determined that they will not result in unfair allocation to any particular user group. The Secretary recognizes that some halibut bycatch will occur in the groundfish fishery, but the proposed delay in the sablefish season and currently required changes in gear designs are intended to reduce

adverse impacts on halibut fishermen while promoting the opportunity to achieve the optimum yield from the groundfish fishery.

7. Seasonal Apportionments of Halibut PSC Limits

Under § 672.20(f)(2)(iii), the Secretary is apportioning the halibut PSC limits based on recommendations from the Council (Table 6). Regulations specify that any overages or shortfalls in PSC catches will be accounted for in the next season only within the fishing year.

TABLE 6.—ALLOCATION OF HALIBUT PSC LIMITS BETWEEN GEAR TYPES

Trawl gear		Hook-and-line gear	
Dates	Amount (mt)	Dates	Amount (mt)
Jan. 1–Mar. 31	600 (30%)	Jan. 1–May 14	200 (25%)
Apr. 1–Jun. 30	600 (30%)	May 15–Aug. 31	500 (50%)
Jul. 1–Sep. 29	400 (20%)	Sep. 1–Dec. 31	50 (25%)
Sep. 30–Dec. 31	400 (20%)		
Total	2,000 (100%)		750 (100%)

As required by § 672.20(f)(2)(iii), the Secretary based his determinations about seasonal allocations of the halibut PSC limits on information found in the SAFE report, or as otherwise available, which is summarized as follows:

(A) Seasonal Distribution of Halibut

Adult halibut spawn in deep water during winter months, then migrate to shallow water in summer months and feed. They generally spawn in water 230–450 meters deep from November through March; the peak of spawning is in December and January. During April and May, halibut migrate onto the offshore banks in water 135–270 meters deep. During June through August, halibut are found in much shallower water, 45 meters or less. During September and October, halibut migrate back to deeper water for spawning.

The recommended seasonal trawl apportionments will accommodate intensive fishing for deep-water rockfish and flatfish species, which occurs during the first half of the fishing year when most halibut will be in deep water. These amounts also will accommodate intensive fishing for Pacific cod. Although Pacific cod is mostly a shallow-water species, some juvenile halibut in shallow water will be caught as bycatch in this fishery. The recommended seasonal hook-and-line apportionments will accommodate intensive fishing for sablefish starting on May 15. Even though halibut bycatches

should be markedly reduced after that date as halibut migrate into shallower water, the sablefish fishery is so valuable that the industry prefers to have substantial bycatch to support the sablefish fishery.

(B) Seasonal Distribution of Target Groundfish Species Relative to Halibut Distribution

Most of the groundfish species are found in deep water during winter when water temperatures are relatively warmer (4 °C) than temperatures in shallower water (1 °C). As detailed in the SAFE report, pollock, Pacific cod, shallow-water flatfish species, and certain rockfish species are in deep water during winter but generally at depths shallower than where halibut are found. In summer, these species are in the same shallow water as halibut.

In winter, deep-water flatfish, rockfish species, and sablefish are found in deep water with halibut and remain in deep water throughout the year, whereas halibut move to shallow water in summer. The Council's recommended larger first and second quarterly apportionments of the halibut PSC limit assigned to trawl gear will accommodate fishing for deep-water flatfish and rockfish species, as well as the Pacific cod fishery, which is in shallower water and has some halibut bycatch.

(C) Expected Halibut Bycatch Needs on

a Seasonal Basis Relevant to Changes in Halibut Biomass and Expected Catches of Target Groundfish Species

Although sablefish, rockfish, Pacific cod, and flatfish TACs are lower in 1991 than in 1990, only catches of sablefish and rockfish will be reduced. Because catches of Pacific cod and flatfish will probably be greater in 1991 than in 1990, halibut bycatch mortality will probably not be lowered, even though halibut are less abundant in 1991 than in 1990. The entire 2,750-mt halibut PSC limit is expected to be caught.

The Council has recommended that a proportionally larger halibut PSC be available to support trawl fishing during the first and second quarters. Most of the trawl share of the halibut PSC limit is expected to be needed during the first two quarters. During this time, substantial trawl effort will be directed at Pacific cod after the pollock fishery is closed. The TAC for pollock is also allocated quarterly. The Council has recommended that the second quarter pollock fishery in the Gulf of Alaska be delayed until June 1, when the Bering Sea pollock fishery will reopen. Should the Secretary implement the Council's recommendation, trawl fishing effort would be directed at Pacific cod, flatfish, and rockfish before June 1. Halibut bycatch mortality while trawling for deep-water species of flatfish and rockfish could be proportionately higher and require a

larger proportion of the halibut seasonal allocation at this time.

Less halibut PSC is needed for trawl fisheries for Pacific cod during the third quarter because trawl fishing for this species will be minimal when the fish are dispersed. Most of the Pacific cod TAC will likely have been harvested before the fourth quarter. Nonetheless, some PSC could be needed to harvest the remaining Pacific cod TAC and to continue fishing for flatfish. The latter will probably be the principal species category available during the fourth quarter.

The Council recommended that the sablefish hook-and-line fishery be delayed until May 15. Although halibut bycatch rates are expected to be lower after May 15, hook-and-line fishermen have requested that substantial amounts of the halibut PSC be allocated to support the sablefish fishery because it is so valuable to them. The Secretary is implementing the Council's recommendation for the seasonal apportionments of the halibut PSC to gear types. The seasonal apportionments will support all hook-and-line fisheries, not just the sablefish fishery.

(D) Expected Variations in Bycatch Rates Throughout the Fishing Year

Halibut bycatch rates will vary with the seasonal distribution of halibut. During winter months when halibut are in deep water, groundfish fisheries for deep-water species will result in higher halibut bycatch rates. Fisheries for shallow-water species will result in lower halibut bycatch rates. This situation will be reversed during summer months when halibut are in shallower water. For a given amount of effort, higher bycatch rates would be expected in summer when halibut commingle with shallow-water species, such as Pacific cod, and in winter when halibut commingle with deep-water species, such as sablefish. Nonetheless, the Council's recommended large first and second quarterly apportionments to trawl gear and large second trimester apportionment to hook-and-line gear reflect expected increases in bycatch rates resulting from higher catches per unit of effort in trawl fisheries for Pacific cod and hook-and-line fisheries for sablefish, respectively.

(E) Expected Changes in Directed Groundfish Fishing Seasons

As of the date of this notice, the only changes in the groundfish fishing seasons are those for the sablefish hook-and-line fishery and for the pollock trawl fishery. The Council has recommended that the sablefish hook-

and-line fishery be delayed until May 15. It also recommended that the second quarter pollock fishery be delayed until June 1. Should the Secretary implement the Council's recommendation for the sablefish hook-and-line fishery, a substantial amount of halibut PSC is expected to be needed starting May 15. Because halibut bycatch is relatively minor in the pollock fishery, the Council's recommended season change for pollock is not a major factor for the Secretary's consideration of halibut PSC management.

(F) Expected Start of Fishing Effort

Fishing started for most groundfish species on January 1 or soon thereafter. Fishing with trawl, hook-and-line, and pot gear for Pacific cod also started in early January because Pacific cod are aggregated into spawning schools, promoting good catch rates. Trawling for rockfish species started in January. Trawling for pollock started in late January on roe-bearing stocks and will peak in February when roe quality is optimal. Trawling for flatfish will probably be spread throughout the year. Hook-and-line fishing for sablefish will start on May 15, assuming the Secretary implements the Council recommendation for season delay.

(G) Economic Effects of Establishing Seasonal Halibut Allocations on Segments of the Target Groundfish Industry

The manner in which PSC limits are seasonally apportioned will affect the amount of groundfish OY that will be harvested during a season. Ideally, the seasonal apportionment of halibut PSC limits will provide the means for each fishery to exploit fully the available resource without exceeding the PSC limits for each gear group.

Expressed in pounds and round weight, the resulting shortfall in 1990 was 3.3 million pounds of sablefish that, at \$0.69 per pound, cost fishermen about \$2.3 million in gross revenue.

Hook-and-line fishermen could have also continued to harvest Pacific cod if the closure had not occurred in 1990. The proportion of the total Pacific cod TAC they had harvested before the closure was 8.8 percent. Assuming this proportion, the amount of Pacific cod forgone is 2,600 mt, or 5.7 million pounds round weight. At \$0.20 per pound, hook-and-line fishermen could have lost \$1.1 million in gross revenue.

After the trawl fisheries were closed November 21, 1990, after reaching the PSC limit for halibut, 50,000 mt of groundfish remained unharvested. Lacking market incentives, some groundfish would not have been

harvested, regardless of the closure. About 20,000 mt of Pacific cod remained, and because market demand was strong in 1990, fishing for Pacific cod likely would have continued. At \$0.20 per pound round weight for Pacific cod, trawl fishermen could have lost \$8.8 million in gross revenue. A fuller discussion of economic effects is contained in the SAFE report.

Public Comments

Written comments were requested to be submitted to the Regional Director on or before December 10, 1990. No written comments were received by the Regional Director on the proposed 1991 specifications.

Other Matters

This action is taken under § 611.92 and § 672.20 and complies with Executive Order 12291. The Secretary finds that the purpose of the reserves is to save portions of the TAC in case they were needed by DAP later in the fishing year rather than apportioning them to JVP or TALFF at the beginning of the fishing year. Because the best available information indicates that DAP will harvest all the TAC amounts, no JVP or TALFF specifications have been established. Providing an opportunity for public comment on the apportioning of reserves before actually apportioning them would serve no purpose when no JVP or TALFF has been established. This adjustment is effective February 25, 1991. Comments are invited on the reserve apportionments for 15 days after the date of filing of this notice.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: February 25, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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50 CFR Part 672

[Docket No. 901184-1042]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.